

PATENT IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Davis Foulger et al.

Appl. No.:

09/911,216

Filed

July 23, 2001

Entitled

METHOD OF BACKTRACING

NETWORK PERFORMANCE

Docket

EMPIR-024AUS

Group Art Unit: 2122

Examiner: Not Yet Assigned

RECEIVED

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Technology Center 2100

Certificate of Mailing (37 C.F.R. 1.8(a))

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Date of Signature

and Mail Deposit

David W. Rouille Reg. No. 40,150

Attorney for Applicant(s)

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents Washington, DC 20231

Dear Sir:

It is desired to cite for the record in this application the enclosed documents listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

The enclosed Information Disclosure Statement is being filed: within (1) [] three months of the filing date; or within three months of the entry of the national stage

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of the above-identified application; or before the mailing of a first Office Action on the merits; or before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. Accordingly, Applicant(s) believes that no fee or statement is required.

[] (2) Pursuant to 37 C.F.R. § 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by the fee set forth in § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1) PURSUANT TO 37 C.F.R. § 1.97(c)

[X] (3) Pursuant to 37 C.F.R. § 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by a statement under 37 C.F.R. § 1.97(e)(1). The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of the accompanying Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2) PURSUANT TO 37 C.F.R. § 1.97(c)

[] (4) Pursuant to 37 C.F.R. § 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by a statement under 37 C.F.R. § 1.97(e)(2). The undersigned hereby states that no item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned,

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after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual having a duty of disclosure as set forth in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of the accompanying Information Disclosure Statement.

PETITION UNDER 37 C.F.R. § 1.97(d) WITH A STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

Assistant Commissioner to consider the attached Information Disclosure Statement.

Applicant(s) state that the issue fee has not been paid and that a statement under 37

C.F.R. § 1.97(e) is provided herein, along with the petition fee required under 37 C.F.R. § 1.17(i). The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of the accompanying Information Disclosure Statement.

PETITION UNDER 37 C.F.R. § 1.97(d) WITH A STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

Assistant Commissioner to consider the attached Information Disclosure Statement. Applicant(s) state that the issue fee has not been paid and that a statement under 37 C.F.R. § 1.97(e) is provided herein, along with the petition fee required under 37 C.F.R. § 1.17(i). The undersigned hereby states that no item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual having a

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duty of disclosure as set forth in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of the accompanying Information Disclosure Statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy Rule 98(a) (3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, Applicant(s) does not necessarily adopt the position reflected by that report.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Respectfully submitted,

Dated: 19- Aug - 2302

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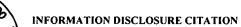
Form PTO-1449 (Rév. 8-83)

U.S. DESCRIPTION OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTY. DOS NO.
EMPIR-024AUS

APPLICATION NO.

09/859,716



(Use several sheets if necessary)

APPLICANT

Davis Foulger et al.

FILING DATE

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Examiner				Date	Considere	ed:		** N				
	*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and considered. Include copy of this form with next communication to applicant.											